

WASHINGTON, DC – Today, Representative Robert C. "Bobby" Scott, the Ranking Democratic Member of the Subcommittee on Crime, Terrorism, Homeland Security and Investigations on the House Judiciary Committee, introduced the Fairness and Accuracy in Criminal Background Checks Act of 2013, along with Representatives Judy Chu (CA-32), Steve Cohen (TN-09), John Conyers (MI-13), Elijah E. Cummings (MD-07), Luis Gutierrez (IL-04), Hank Johnson (GA-04), Jerrold Nadler (NY-10), Grace Napolitano (CA-32), Charles Rangel (NY-13), Loretta Sanchez (CA-46) Bennie G. Thompson (MS-02), and Melvin Watt (NC-12) as cosponsors.

"At a time when millions of America's workers continue to struggle to find work in the aftermath of the Great Recession, many face an additional barrier created by faulty criminal background records released by the FBI," said Rep. Scott. "Frequently, mistakes in the records cause qualified job applicants to be denied employment or cause significant delays while the mistakes are corrected."

A recently issued report by the non-partisan National Employment Law Project (NELP), entitled "Wanted: Accurate FBI Background Checks for Employment," illustrates the many examples of the devastating impact of faulty FBI criminal background checks for employment and licensing purposes through points such as the following:

"Wanted: Accurate FBI Background Checks for Employment," illustrates the many examples of the devastating impact of faulty FBI criminal background checks for employment and licensing purposes through points such as the following:

- The use of FBI background checks for employment is rapidly increasing. Roughly 17 million FBI background checks were conducted for employment and licensing purposes in 2012, which is six times the number conducted a decade ago.
- Despite clear federal mandates that require the reports to be complete and accurate, 50 percent of the FBI's records fail to include information on the final disposition of the case. The missing information could frequently be beneficial to job seekers. For example, one third of felony arrests do not result in conviction and many other such arrests are reduced to misdemeanors; acquittals and misdemeanors do not usually disqualify job applicants from consideration.
- NELP estimates that 1.8 million workers a year are subject to FBI background checks that include faulty or incomplete information. Roughly one in four U.S. adults has an arrest or conviction record. It is estimated that as many as 600,000 workers annually may be prejudiced in their job search when information that is of benefit to the worker is not reported by the FBI.
- African Americans are especially disadvantaged by the faulty records, because they are arrested at rates greater than their representation in the general population, and large numbers of those arrests never lead to conviction. Consequently, African Americans were more than four times as likely as whites to have to appeal an inaccurate FBI report under the federal port worker security clearance program.

"There is a solution to this problem that would immediately result in less job-loss and financial hardship," commented Rep. Scott. "The FBI must ensure that records are accurate and complete prior to being released for employment and licensing decisions. That is why I have introduced the 'Fairness and Accuracy in Criminal Background Checks Act,' which requires the FBI to ensure that records are accurate before they are sent to the employers and agencies that rely on them to make hiring and licensing decisions. The FBI already possesses the capacity to quickly update and correct criminal background checks. For example, in implementing the background check provisions for firearms purchases under the Brady Handgun Violence Prevention Act, the FBI cleans up two-thirds of faulty records within just three days of requests, by contacting the appropriate federal, state, and local agencies to obtain the missing information. A similarly effective system for employment and licensing-related criminal background checks can be implemented. My legislation will ensure that this is accomplished. Most importantly it will ensure that job seekers are treated more fairly, increase the likelihood that employers will have access to the best and most qualified workers in a timely fashion, and increase public confidence in the integrity of the FBI criminal background check process."

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